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OFFICE OF PETITIONS

In re Application of :
Koya Kurokawa :
Application No. 09/899,350 : DECISION ON PETITION
Filed: July 5, 2001 :
Attorney Docket No. MAT-8145US :

This is a decision on the paper styled "Request For Corrected Filing Receipt" filed September 24, 2001, requesting that the above-identified application be accorded a filing date of July 5, 2001, rather than the presently accorded filing date of July 6, 2001. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on July 5, 2001, pursuant to the requirements of 37 CFR 1.10. While the copy of the Express Mail label receipt no. EL923263680US bears a handwritten "date-in" of May 7, 2001, it also includes a "Southeastern PA USPS" receipt stamp dated "July 5, 2001."

The Office considers that date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date-In" on the Express Mail label, MPEP 513. However, in view of the conflicting dates on the label, a search of the USPS Track and Confirm record confirms that the package in question was enroute on July 5, 2001. Accordingly, the petition is granted.

The application is being returned to Initial Patent Examination Division to await applicant's response to the Notice mailed August 21, 2001, and for correction of the filing date to July 5, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Express Mail Track/Confirm Sheet